

1 C. Anthony Hughes SBN: 250998
2 1395 Garden Highway, Suite 150
3 Sacramento, CA 95833
4 Ph: 916.440.6666
5 Fax: 916.254.6666
6 Attorney for Debtor

7 UNITED STATES BANKRUPTCY COURT
8 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

9 In re:) Case No. 11-41374-C-7
10) Chapter 7
11 **LARRY REINHARDT**) Docket Control No.: CAH-001
12)
13) Judge: Christopher M. Klein
14 Debtor) Date: 10/25/2011
15) Time: 09:30 AM
16) Place: 501 I Street, 6th Floor
17) Sacramento, CA 95814
18) Department C– Courtroom 35
19)
20) Trustee: Alan S. Fukushima
21)
22) **MOTION FOR ORDER COMPELLING**
23 **ABANDONMENT OF THE ESTATE’S**
24 **INTEREST IN DEBTOR’S BUSINESS AND**
25 **PHYSICAL ASSETS**

26 Larry Reinhardt, the Debtor herein, hereby moves this court for an Order Compelling
27 Abandonment of the Estate’s interest in the Debtor’s Business. This Motion is based on the
28 following facts:

1. As shown in the filed schedules of this case, the Debtor operates a sole proprietor business, named “Reinhardt Construction.” Said business is located at 2772 Clicker Court, West Sacramento, CA 95691.

2. The Debtor’s tools of the trade, equipment, and other business-related assets (hereinafter, “BUSINESS ASSETS”) have been disclosed in detail in the filed Schedule B (See Exhibit #A attached hereto). The business assets in this case consist of the business,

1 miscellaneous used construction tools used for remodeling business. The debtor has placed
2 values on these assets in the aggregate total of \$2,500.00.

3 3. As shown in Schedule C (see exhibit #B attached hereto), the Debtor has claimed
4 exemptions totaling \$2,500.00 against the values of the BUSINESS ASSETS.

5 4. In summary

6	A.	Gross value of BUSINESS ASSETS	\$2,500.00
7		Miscellaneous used construction tools	\$2,500.00
8		used for remodeling business	
9	B.	Liens against the BUSINESS ASSETS	\$0.00
10	C.	Gross Equity	\$2,500.00
11	D.	Exemptions claimed on BUSINESS ASSETS	-\$2,500.00
12		Miscellaneous used construction tools	\$2,500.00
13		used for remodeling business	
14	E.	Net value of BUSINESS ASSETS to the estate	\$0.00

15
16 5. The Debtor asserts that there does not appear to be any business equipment or
17 inventory that can be profitably liquidated by the Trustee over and above (a) the liens, if any, in
18 Schedule D attaching to the business-related assets and (b) the exemptions, if any, in Schedule
19 C claimed by the Debtor. The assets were exempted under C.C.P. 704.060, there remains an
20 additional unused \$4,675.00 in the exemption.

21 6. The business itself has no net sale value to benefit the bankruptcy estate.

22 7. The Debtor is aware that, under the provision of Title 11, US Codes §721, only
23 the Trustee has the authority to operate the Debtor's business; and then, only with an order of
24 the Court. Otherwise, the Trustee is entitled to shut down the business or abandon the estate's
25 interest in the business.

26 8. However, the Debtor asserts that , based on the lack of any unexempted equity
27 in any business-related asset, equipment or inventory, there is no benefit to the estate to either
28 operating or shutting down this business.

9. Federal Rule of Bankruptcy Proceeding 6007(b) permits a party in interest, including the Debtor, to file a motion seeking to compel the Trustee to abandon property of the estate.

WHEREFORE, the Debtor moves this Court to issue an Order Compelling the Trustee to abandon the Estate's Interest in the Debtor's Business.

Respectfully submitted,

Dated: 09/27/2011

By: /s/ C. Anthony Hughes

C. Anthony Hughes, Attorney for Debtor